



THE SECRETARY OF THE INTERIOR
WASHINGTON

JUL 19 2012

T _____ 116367
A _____
P _____
File # 04-024-00
Copy: SF-GOV-KG-
Responsible Person: SD-Jule

The Honorable Matthew Mead
Governor of Wyoming
Cheyenne, Wyoming 82002

Dear Governor Mead:

Thank you for your letter dated May 24, 2012, concerning the delisting of the Yellowstone grizzly bear population. Though the population was delisted in 2007, it was returned to listed status after a United States District Court ruling in 2009 overturning the delisting.

The U.S. Fish and Wildlife Service (Service) appealed this ruling to the U.S. Court of Appeals for the Ninth Circuit, and in the fall of 2011 the Ninth Circuit reversed part of the District Court ruling but sustained another part. The Service was challenged in four areas: (1) Whether our evaluation of "significant portion of its range" was appropriate and in accordance with law; (2) whether our evaluation of the genetics of the grizzly bear population was correct; (3) whether we evaluated the conservation strategy appropriately and in accordance with law; and (4) whether we appropriately evaluated the implication of whitebark pine on the status of the grizzly bear.

The Service prevailed on issues 1 and 2 at the District court level. The Service subsequently prevailed on issue 3 on appeal. I want to emphasize the importance of prevailing on these first three issues, particularly issue number 3. The Service is in a far better position now to ultimately defend a future delisting of the Yellowstone grizzly bear population. However, the issue that the Ninth Circuit sustained and remanded was the ruling that the Service had failed to establish that the decline in whitebark pine in the Yellowstone ecosystem was not a continuing threat to the grizzly bear.

The Service concurs with your desire to bring resolution to the grizzly bear issue quickly. Immediately upon the appellate ruling, the Service convened all the agency partners in the Interagency Grizzly Bear Study Team in the Yellowstone ecosystem, including members of the Wyoming Game and Fish Department, for group discussions how to best proceed. We also brought in numerous outside experts in bear biology and statistics to give careful consideration to reexamination of whether the declines in whitebark pine poses a threat to grizzly bears sufficient to remain on the lists of endangered or threatened species. All participants agreed that the Yellowstone grizzly population was recovered and that declines in whitebark pine do not threaten the future of this grizzly population.

The Service and our State and Federal partners were disappointed at the ruling and discussed the best way to improve the probability of success if a new decision was again challenged in court. After several meetings and input from all partner agencies, we developed the best approach.

RECEIVED

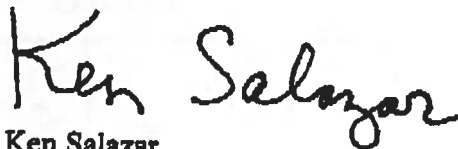
JUL 19 2012

This approach will build a strong scientific synthesis of all the information we have on the relationship between whitebark pine and grizzly bears in the Yellowstone ecosystem and to use this synthesis as a foundation for a new proposed decision. A timeline has been established to complete this synthesis within 18 months and then to develop and publish a new proposed rule by early 2014. The synthesis involves a significant amount of re-analysis of the existing data on the relationship between white bark pine changes and grizzly bear vital rates, as well as adding the data sets from the 2002-2013 time periods to the data to better evaluate these factors. This re-analysis will strengthen the scientific approach we will use to again propose delisting. All agencies are now working cooperatively on this synthesis document, which is being lead by U.S. Geological Survey.

In summary, we agree that the Yellowstone grizzly bear population is recovered and believe our earlier decision was based on the best available science. However, the court decisions require that we revisit the implication of white bark pine to the grizzly bear. We are working with our agency partners through a carefully designed scientific process to do that.

We recognize that the State of Wyoming is a key partner in the recovery and management of the Yellowstone grizzly population. We also recognize that the State of Wyoming has invested significant amounts of expertise and funds in this recovery effort. We deeply appreciate the contributions of Wyoming to the recovery of the Yellowstone grizzly population and the State's commitment to their future welfare. We look forward to a scientifically sound decision which will validate our State/Federal partnership and as one of the greatest success stories under the Endangered Species Act.

Sincerely,

A handwritten signature in black ink that reads "Ken Salazar". The signature is written in a cursive, slightly slanted style.

Ken Salazar